IT PROVED NO BAR TO VIOLATION OF THE CONSTITUTION.

HIS PROFESSED CONTEMPT FOR THE ORGANIC LAW OF THE STATE AND THE NATION-DE-

NYING THE RIGHT OF PETITION WHEN

IT INTERFERED WITH HIS PLANS. Buffalo, Sept. 30 (Special).- What is the Constitu between friends)" was the question once asked y Timothy J. Campbell and it since has become a paxim among Democrats of the Tammany Hall stamp. of little Temmany and the candidate of big Tammany the office of Lieutenant-Governor, amended the Cammany maxim last winter while he was speaker of the Assembly by Soldly announcing from his place at the Speaker's desk :

What do I care for the Constitution!" Speaker Sheehan followed up this announcement imediately by proving that he cared not the snap of his finger either for the Constitution of the United States or of the State of New-York. Mr. Sheehan's triends here declare that he is an able and a brilliant lawyer-a man extremely well read and well informed on legal matters. That being true, he cannot, on the ground of ignorance, be excused for not obeying the mandates of the Constitution. When he was a into office as a member of the Assembly he declared on his oath that he would support the Constitution of the United States and of the State of New-York, but he took the first possible opportunity to break the oath that he swore to keep.

The first amendment to the United States Constitution reads as follows: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press, or the right of the people peaceably to assemble and to petition for a redress of

grievance. Then, in Section 10 of Chapter 1 of the Constitution of the State of New-York, it says: "No law shall be passed abridging the right of the people peaceably to esemble and to petition the Government, or any department thereof.

As the Speaker of the Assembly, William P. Sheehan on repeated occasions broke his eath of office and defied the Constitution by arbitrarily prohibiting to a large class of citizens the right of petition against a wrong Mr. Shechan's friends excuse him for this action, and his personal organ, "The Buffalo Courier," applieds it on the filmsy and unsupported ground that he simply was carrying out the rules of the Assembly. Speaker Sheehan was a member of the Assembly committee which drew up and reported to the Assembly the sec of rules now in force. That being the case, he ought to be entirely familiar with them. That especially he the case with him more than other Democratic member of the Asought sembly during the last five or six years. most of that time he was the leader of the minority and he was constantly on his feet debating with the Republican leaders on questions which arose regarding the meaning of rules and the construction put upon them by the presiding officer. Then, too, his career as Speaker ought certainly to have compelled him to familiarize himself with each rule and with its mean-One of the first rules that he studied after he had been elected Speaker was as to his own duties as Speaker. He found this laid down : "He (the Speaker) shall decide all points of order

subject to appeal." This rule applies to all of the questions which are likely to arise during a session of the Assembly. It may apply to the regularity of a motion, the standing of a committee report, as well as the receipt of a petition. But in deciding "points of order" the

Speaker is not suppossd to defy the Constitution or the accepted rules of parliamentary procedure. Furthermore, the speaker is not supposed to construe the Assembly rules so that the effect will be directly conwary to the meaning and intention of the rule. In denying to the Roman Catholic clergy and to the many societies of the Roman Catholic Church the right of petition to the Assembly, one of the three department the state Government, Speaker Sheehan defied the fairly misconstrued an Assembly Constitution and The rule that he says prohibited him as Speaker from receiving the petitions against the passage of the notorious and vicious stadler bill reads as follows:

Petitions, memorials and remonstrance presented to the clerk at the close of each day's see The language of the rule is plain and explicit, and

Speaker sheehan knew all along that it was neither mandatory nor obligatory upon him as the presiding officer of the Assembly to refuse to receive and have read by the clerk "petitions, remonstrances or me morials.

Mr. Sheelian was a member of the commi-Assemblyman, of which General James W. Husted was chairman, that drew up the present Assembly rules He worked with the other members of the committee on them during the summer of 1880 and signed the report before it was presented to the Legislature for adoption at the session of 1800. The reason for the changing of rules was to expedite the business of the session as much as possible and to do away with a number of forms of procedure which experience had found to be more or less of a block to the rapid transaction of the business of the session. One of these forms, for instance, was the committee of the whole. This has been abolished, and bills now are discussed at length on their second rending. Another form which con sumed much time was the "order of the receipt of petitions." This generally consumed a great deal of time. Nearly all of the 128 members of the Assembly receive daily by mail petitions protesting against or in favor of pending measures. In the rush of business few of the members would think properly to indorse their petitions, and when this order of business would be reached members would ask for delay while they got their petitions into proper shape for presentation Then, too, it frequently happened that a member who reached the Assembly Chamber late in the day would break in upon some other order of business and ask consent to introduce a position at that This interruption generally caused confusion and destroyed the regularity of the proceedings. Therefore, the committee, of which Mr. Sheelan was a member, decided to eliminate from the regular order of business the morder of the receipt of petition but the committee reported, and the Assembly of 1890 adopted no rule probabiling the presentation or the acceptance of a petition, remonstrance or memoria committee simply said that "petitions, memorials and remonstrances may be handed to the clerk at the close of each day's session." General Husted is too oficient a parliamentarian and too close a student of the Constitution to ask the Assembly to perform on unconsistational act or to adopt rules directly in de-fiance of both the National and the State Constituns. The rule regarding the professation of peti-ns, menarials are renonstrances as drawn by him d indorsed by Mr. steedam marriy made it pea-ssible for the members of the Assembly to hand sir petitions to the Jera after the adjouncement a session in place of thaing from the time given for d falls for that purpose, add not construct he rule always as seed to prevent the reading of the

Speaker Sacciain did not constitut the raide always as he did when he desired to prevent the reading of the Reman Catholic petitions. He changed his mind regarding it to sun the conditions. When he declared that the rule promisited the acceptance of the petitions. It was to prevent the members from hearing the infamous decumerations by the Reman Catholic clergy of one of the most deagerms and mishelous measures ever presented to the Legislature-s measure which would have opened for twenty four hours of the day and for each day of the year, in the towns and cities of the State, the lowest sort of dance-houses and dives. This measure, Speaker sheelan and Assemblyman Joseph himmenths, of New York, but taken a contract to pass, and speaker Sheelan teared that the resulting of the petitions would draw be now rail to total from the bill. He foreview to take his constitutional each of office, defect the Constitution and misconstructed the Assembly rules for this purpose. Under similar conditions as Liquidential Governor, there is no doubt but that he would repeat the same criminal performance. Later in the session of the last spring, when Mr. Sheehan wantest to pass the sanday liquer bill, be had presented and read the memorial of the Grand Jury of New York, declaring against the present inclining and Mr. Sheehan compelled the clerk to read the

This was not the first time that Mr. Sheehan stood This was not the first time that Mr. Sheehan stood between the rights of the people and the constitution. When the mouster ballot reform petition, with its 69,000 or 70,000 names attached, was sent to the Assembly in the spring of levio. Mr. Sheehan, who then was the leader of the Democratic minority in that bouse, not only by his voice and his voice protested against its presentation, but he tried to stop its progress down the alse of the Assembly Chamber with his own body. This petition was presented by tieneral Husted made irrocklyn. General Husted was Speaker then and he called Hamilton Fish. Jr., to the chair while he made the presentation speach. In spite of the wild gesticulations of the Dimocratic leader, both General Husted was described funding of the Dimocratic leader, both General Husted and Mr. Fish declared that the right of petition could not be denied, and ordered the receipt of it by the Assembly. by the Assembly.

NOMINATED FOR THE NEWJERSEY ASSEMBLY. Bridgeton, N. J., Sept. 30 (Special).—The Republican Convention this afternoon nominated for Assembly from the 1st District of Cumberland County Wilbert Baxter, of this city. Mr. Baxter is an active worker and a strong temperance man, and on the latter issue will be made the county fight against Assemblyman Van Syckle, the present Democratic incumbant. Who has been renominated. Since the Demolatter issue will be made the county fight against As-

SHEEHAN'S OFFICIAL OATH | eratic gerrymundering it is Assembly district has a natural Democratic plurality of 300.

ANGRY DEMOCRATS AT JAMESTOWN. CLEVELAND MEN LIKELY TO AVENGE THE IN-SULT PUT UPON THEM IN CHAU-TAUQUA COUNTY.

Jamestown, Sept. 30 (Special).-Eric County is not the only county in the State where the Tammany-Hill-sheehan-Murphy "combine" fough: the friends of Mr. Cleveland and sent paper delegations to Saratoga, which were admitted under the orders of the men who The fight of the ran the Tammany State combination. Cleveland men in the Hd Assembly District of Chautaugua County to hold their own against the efforts of the Hill men to dislodge them was as bitter as was the Erie County fight. The same sort of faction were employed and the same results were reached. A short time before the convention in this district for the election of delegates to the Democratic State Convention were held, Earl, one of Governor Hill's messengers, suddenly came here, and was soon in con sultation with a number of ardent Hill Democrats The Cleveland men, who have a large majority of the Democratic vote in Chautauqua County, did not pay any attention to what the Hill men were doing. The were confident of their votes and rested at that. When the convention met, however, it was found that the Hill men had combed the district over thoroughly and brought in all of the "toughs and bums" that they Among Mr. Cleveland's followers are some of the representative men of the town, as Frederick Fuller, jr., who was a Cleveland Elector in 1888 ex-Postmaster Charles E. Weeks, Hiram Smith, 2d; J. Delevan Curtis, the present Democratic candidate member of the Assembly and president of the Hilden Club, and Frank E. Sherman, a well-known nanufacturer. The Hill men followed the same general plan of campaign which was seen in all of the districts in which the effort was made to overthrow the leveland forces. They fried first to obtain absolute mirol of the convention and started in to do this whether the Cleveland men wanted it or not. The fight was one of the most bitter ever seen in a conention hall, and it resulted finally in two conventions The Hill men met on the same day being held. and elected delegates, with "Joe" Powers, a local charncter, at their head. The Cleveland men then called regular convention and elected their delegates to They received the same treatment that the aratoga. other contesting delegations elected by the friends of Mr. Cleveland got, and one of the delegates here says that the first question asked of him when he went before the committee on contested seats was: Are you for Cleveland or Hill?"

The case of this delegation was settled when the delegate answered that he was for Cleveland. The treatment which these men received at the hands of the Tammany Committee on Contested Seats sent them home with that same "sullen and surly" temper which accompanied the delegates from Kings County and the Cleveland delegates from Eric County. feeling will not down in spite of the oil which the Hill men are trying to pour on the troubled waters.

In the 1st Assembly District similar tactics were pursued by the Hill men with practically the same The delegates were admitted with one-balf outcome. The Grand of not right the wrong that had been done. The Governor-Senator, therefore, is most rordially hated here. Mr. Cleveland's friends lay to his door the treatment which their delegates received at Saratoga, and declare firmly that he is behind Tammany Hall in its efforts to capture the State. They are men who cannot be bought over by the boodle of the "flamboxant millionaire," and it will require arguments much stronger than any yet presented to onvince them that they were treated either with an attempt at fairness or justice. This is good missionary soil for the enemies of Tam-

many Hall and the new bosses in politics, and from the present conditions the results ought to be fruitful o a considerable degree. In this part of the State to a considerable degree. In this part of the State there are many old soldiers and soldiers' sons. They appreciate the fact that Tammany Hall had no use for the soldiers, and they are determined to show Tammany Hall that the soldiers have no use for it. several veterans, who always have voted the Democratic ticket, have come forward of their own volition and promised to support the Lepablican candidates. One find veteran, with tears in his eyes, said to a prominent Republican here the other day:

"I have voted the Democratic ticket for thirty years, and now I am almost ready to become a Republican tear."

Many incidents of this sort have been brought to the attention of The Tribune correspondent while in Chantanqua Conniy.

TAMMANY'S INSOLENT AUDACITY. DETERMINED TO RUN THE NOTORIOUS JOHN J. SCANNELL FOR CONGRESS.

The Tammany Hall "boses" have decided to sen as one of their representatives to Congress the man whom Mayor Grant twice refused to appoint Fire Comssioner, although carnestly solicited to do so t Richard Croker. It was definitely announced yeste day that John J. Scannell is to be General Spinola's successor from the Xih Congress District. Scannell is the Tammany leader of the XIth Assembly District, and his chief claim to consideration from the warrior of the Wigwam is his alleged ability to obtain big cam mign' contributions from keepers of liqu "dives," gambling places and the law-breaking class generally. No man in Tammany Hall is credited with greater " pull."

In his Watertown speech Mr. Fossett referred to Mr. Scannell as offe of three Wigwam worthles "whose record should be nameless." The part of Scannell's senid which Mr. Fassett doubtless had in mind was his killing of Thomas Donohue in 1871, after lying in wait for the man several years. Scannell's excuse for this cold-blooded murder was that Donahue had killed his half-brother. It is now said that Scannell has demanded and virtually secured the Congress nomination as a "vindication" after his fallure to get the appoint ent of Fire Commissioner-a disappointment which

ie took greatly to heart. The Xth Congress District undoubtedly has a Demo-cratic majority, but with Bemocracy staggering under he load of Scannell's nomination, it would seem that popular Republican ought to be successful. Last ear Spinola had a plurality of 8,596 over James 7 Renescher, Republican, but in 1888 spinola' plurality over Boyhan, the Republican and Labor can idate, was only 1,733, the whole vote standing: Spi pola, 13,749; Boylan, 12,016; Wilson, Prohibition Doubtless many Democrate voted for Spinola who could be induced to aid Scannell. Cool-headed politiciansaid yesterday that the choice for Congress was a remarkable piece of foolhardiness on the part of the Tam

managers.

is a nomination," said one, "that will weigh the chances of Mr. Flower and his associates of emocratic State ticket in every election district in Lake Erie and Montank Point."

REPUBLICAN ENTHUSIASM IN ILLINOIS. Chicago, Sept. 30 (Special). The meeting of the Republican state Central Committee yesiciday at Cairo he stronghold of the Illinois Democracy, has had the effect of stirring up great enthusiasm in the party, and is to be followed by a convention of Illinois Republican editors next month. The Republicans of Alexand-County also held a convention yesterday at Cairo while the State Committee was in session, and after indoring President Harrison's Administration, adopted the

TO SWEAR IN FEDERAL ELECTION OFFICERS. The Federal supervisors who will serve in the election exit month in the Xih and Xilth Congress Districts will be sworn in to night in the Federal Building by Commissioner Shields. On Saturday night he will swear in the United States deputy marshals. Suc-cessors to General Spinola and Roswell P. Flower will be elected in these districts.

NOMINATED FOR THE ASSEMBLY. Middletown, N. Y., Sept. 30.—The Republicans of Sullivan County have nominated Henry Kenrigh, of Jeffersonville, for Member of the Assembly, and Harrison Beecher, of Tusten, for Sheriff.

NOMINATED FOR THE ASSEMBLY. Saratoga, N. Y., Sept. 30.-The Democrats of the 1st District of Saraloga County, at Ballston Spa to-day, nominated Supervisor Jeremiah Husted, of Waterford, for Member of the Assembly.

DECLINES A NOMINATION FOR SUPREME COURT Lincoln, Neb., Sept. 30.-J. H. Brody, nominated shy the Democrats at their State Convention for Associate justice of the Supreme Court last night, sent a letter to Chairman Ogden, of the Democratic State Central Committee, positively declining to be a candidate.

REPUBLICANS TIED ON A CHOICE FOR SENATOR. tica, N. Y., Sept. 30.—The Republican Senatorial Convention for the XXIIId District met in this city at 2:30 p. m. to-day. Each county has a candidate and each county votes for its own. The result of a dozen bailots has been to give six votes each to John THE WALL-ST. SITUATION.

MISSOURI PACIFIC DIRECTORS MEET.

JAY SOULD'S REPORT-ONE DISSENTING VOTE AGAINST THE POSTPONEMENT OF

THE DIVIDEND. The situation in Wall Street has grown more quiet and the stock market yesterday was dull, but generally higher. The fallure of a Stock Exchange house interested in municipal securities caused only a ripple in speculation, and the formal passing of the Missouri Pacific dividend was expected and influenced a decline only in that stock. Further heavy shipments of gold from the other side were announced, and the Trensury Department was commended for its action in authorizing the Assay Office to pay up to 10 per cent of the estimated value of foreign coin or buillon imported pending a complete melting and assaying of the gold. Favorable railroad reports helped to encourage brokers There was a full meeting of the board of directors

of the Missouri Pacific Company when the dividend question came up, only two members being absent There was no acrimontous discussion, and after Prestdent Jay Gould had submitted his report the postponement of the quarterly dividend was voted with only one dissenting voice-that of Russell Sage. Mr. sage pleaded for a dividend of 1.2 per cent for the purpose of protecting savings banks and charitable inwhich cannot hold non-dividend paying curities, but the tears in his eyes were not analyzed by any grape-expert from the Board of Health. George J Gould said after the meeting:

The action was conservative and is no more than other companies have taken at times. The state-ment submitted convinced the directors that it would be advisable to defer dividends. 'The Missouri Pacific Is a nice, clean property, and we want to keep it so. To increase the floating debt by paying the dividend would be unwise. But things look well at the West, and I think time will vindicate our prudence."

It was learned yesterday that some of the stock holders of Missouri Pacific were considering the question of an appeal to some house of recognized financia, standr future protection. The idea is suggested that Drexel, Morgan & Co. be requested to issue an invitation for proxies to be used at the next annual election as seems best for the interest of stockholders. Mr. Gould has never held an absolute majority of the stock of Missouri Pacific, and it is generally believed that he has largely reduced his former holdings. By concentrating the scattered interest oniside of the Gould ownership a power might be accumulated which could enforce its de mand for frequent exhibits of the company's condition even if no immediate change in management could be effected. One ground for the movement would be the fact that the deficit shown in Mr. Gould's statement was made by charging the cost of refunding bonds in one quarter instead of distributing it over an entire year The stockholders do not favor the payment of unearned dividends, but there is a general feeling of indignation at the manner in which the dividend was proposed to be passed without consultation by the directors and at the failure of the management to prepare stockholders for isappointment by periodical statements of earning which most railroad companies now make. It is possible, according to the statements of some Missouri Pacific stockholders, that if Mr. Morgan is not asked to o-operate in the movement for reform some of the large trust companies interested in the general financial wel fare may be solicited to combine for the purpose of protecting investors The men who are considering this movement point to the success of the Atchison reorganization as an example of what may be accomplished v solidarity of interests.

The statement submitted by Jay Gould to the ouri Pacific directors follows: To the Directors of the Missouri Pacific Railway Com-

pany : Herewith is the auditor's statement for the last nin

89,472,020 99 7,188,279 84	Herewith is the auditor's statement for the other of the current year, september estimates one carnings.
397,730 12	Surplus \$206,853 40 videods received \$250,855 40 ntals received \$125,858 52 sepang-car carnings 41,839 34 nery amounts 23,670 89
	Total \$2,088,897 and yment interest \$2,088,897 and \$2,088 \$37.005 \$2.50 \$104,761 and \$3,006 2.50 \$104,761 and \$4,062 2.50 \$104,761 and \$4,062 2.50 \$104,062 2.50 \$104,062 2.50 \$105,000 \$128,000 \$128,000 \$105,000
2,731,404 63 *59,933 36 8,017,311 62 5,760,921 51	ficit Iron Mountain:
42,168 37	Surplus cincuds terrived \$3,000.00 adry amounts 30,102.37
2,969,237 03	Total devest payments \$1,008,720 45 227,138 38 38 451,8 38 282,238 451,8 38 282,238 451,8 38

Deficit ... Net deficit before payment of dividend Dividends paid ... \$1,619,273 83

While this operation results in an aggregate saving of \$102,000 in the future annual fixed charges, the morigages required the exchange of bond for bond, thus leaving this expense a charge to be paid out of current rarnings.

The almost total failure of crops in Kansas and Kebraska last year, coupled with the low rates for carrying the same, is the cause of the temporarily poor

Neoresia has year, company to the temporarily poor showing.

The present floating debt of the company is \$4,481,347, and would have to be increased if a dividend were declared; to liquidate the same, wherever satisfactory prices can be obtained, the company has available current securities, as follows: \$1,000,000 from Nountrin 5 per cent bonds. \$8,000,000 Missouri Paelife first collateral trust 5 per cent bonds, \$5,000,000 Wabash debenture B bonds; total, \$9,500,000.

Our stockholders, in valuing their Missouri Paelife stock, must not forget that for the eleven years during which I have acted as president it has never missed its outsiterly dividend, having paid \$22,555,503, while during that beriod such a strong road as the Lake shore was obliged to suspend the payment of its dividend from November, 1884, to February, 1887, two and one-quarter years; and Michigan Central from August, 1881, to February, 1883, one and one-half years; and from February, 1884, to February, 1887, three years; and Bintimore and Obio, Archison, \$1,200,000,000,000,000.

The part of the payment of the suspended and have not yet resumed payment. While during the last eleven years dividends have been paid by this company, it has expended in betterments and charged direct to operating expenses the sum of \$4,028,747,46.

JAY GOULD, President.

ANACONDA WILL REMAIN CLOSED.

Chicago, Sept. 30.—Marcus Daly, one of the owners of the famous Anaconda copper mine, was in the city last evening. No matter how many dispatches have appeared in the pay is about the reopening of the Anaonda mine, you can say for me mere is no truth what ever in the reports," said Mr. Daly to a reporter. "The status of the matter is precisely the same as it was two months ago. Mr. Haggin considered that the Mon-taca Union Railroad was charging exorbitant freight rates, so he shut down the mine, and had surveys made for a road of his own from Butte to the mine. surveys are still going on, and work on the rathroad will soon begill. There has been no compromise with he Montana Union, so far as I know, nor is there likely to be any compromise. You can also contradict for me the story which has been circulated that the raine was cosed on account of over-production. That is al-nonsense. We are lesing money, and the rainead is I sing money, on account of the fight, and the mine was only closed for the reason I have given."

IWO CLERGYMEN HONORABLY RETIRED.

Troy, N. Y., Sept. 30 .- At the meeting of the Troy Presbytery vesterday at Cambridge, the Rev. Dr. Seorge P. Tyler, of the Olivet Church, Lansingburg, and the Rev. Dr. Fenuel, of Glens Falls, were honor ably retired. They are two of the of east elergymen it he State. Dr. Fennel has been pastor at Giens Falls forty-five years. Discussion on the revision of the Confession of Faith was begun, but an adjournment was taken until October 12.

A POLISH CONVENTION IN PENNSFLVANIA. Nanticoke, Penn., Sept. 30 .- A convention of the National Polish Alliance societies is now in session here, and delegates are present from all parts of the United States. The regular business session convened is morning in the town half. Andrew Plagiene, of Detrott, was chosen chairman, and Ignace Machnkiefsky. Editor of "Wiara I Olczyzna," of Chicago, secre-tary. The object of the a _____ is to elevate and enlighten the Polish people of the United States.

MR. CUETIS DISCUSSES MR. FASSEII.

From Harper's Weekly.

It is long since the Republican party (in New-York state) was less distracted by fractional fends. Mr. White, who represents its general intelligence and character rather than any personal faction, and the representative friends of Mr. Warner Miller are all cooperating sincerely with the especial friends of Mr. Flatt, whil Mr. Fassett has opened the campaign amid an enthusiasm which usually marks the close of a Presidential canvass. This is partly due to the fact that the Republicans feel that in him they have found the leader who has long been wanting to the partly.

Such an issue as the practical control of the State by Tammany Hall takes precedence of every other at this election. It appeals to everybody who From Harper's Weekly.

has the public welfare at heart, and it is a simple and intelligible issue. . . . It is fortunate that the combined foes of Tammany have in Mr. Fassett a candidate whom in this contest they can cordially support didate whom in this contest they can cordially support didate whom in this contest they can cordially support didate whom in this contest they can cordially support didate whom in this contest they can cordially support.

THE COURTS.

A RECEIVER FOR THE "ORANGE" DIAMOND. York ought to be.

GENERAL SWAIM'S SERVICE.

HE WILL RETIRE IF HIS UNEXPIRED COURT MARTIAL SENTENCE BE REMITTED.

Brigadier-General David G. Swaim, whose cour martial in 1884 and 1885 attracted much attention outside of Army circles as well as in them, will com plete his thirty years of service as an officer of the Army to-day. An efficer said yesterday that under the law an officer of the Army may be retired at his own request after completing thirty years of service and that he had made the request upon condition that the President would remit the unexpired part of the court-martial sentence which was promulgated by President Arthur on February 24, 1885. General Swaim was suspended from his office

of Judge-Advocate-General of the Army 26, 1884, pending the trial of ous charges against him. These charges were based principally upon certain transactions the banking firm of Bateman & Co., and for his failure to report to the War Department facts which came to his knowledge concerning the duplication and triplica tion of Colonel A. P. Morrow's check accounts. latter was suspended for two years for these irregularities connected with his pay accounts. martial of General Swaim continued for several months resulting in his being "suspended from muk and duty for twelve years, and to forfeit one-half of his monthly pay for each month during the same period." swaim, though holding the title of Judge Advocate-General, has been disbarred from discharging the duties of the office by his court-martial sentence. For more than five years the duties of the office have devolved upon Colonel Guido N. Lieber in an acting capacity and notwithstanding the desire of President Cleveland and President harrison to make a regular appointment, they have been powerless to do so, as there has ment, they have been powerless to do so, as there has been no way of disposing of General Swatm. The officers of the court-martial foresaw this, and so extended the term of the sentence one year beyond the time of his compulsory retirement, which would be it is the first time of his compulsory retirement, which would be 1896. The half-pay of General swatm has been \$2.750 a year, but if he is put on the retired first will be entitled to 75 per cent of the full pay of his grade, which would be \$4,125 a year.

HERMAN MELVILLE'S FUNERAL.

The funeral of the late Herman Melville was held at the family residence in Twenty-eighth-st. yesterday afternoon, the Rev. Theodore C. Williams, of All Souls Church, delivering a short address. Among the rela tives and friends present, beside the widow and daugh ter of the deceased, were Mrs. Thomas Melville, widow of the late governor of the Sallors' Snug Harbor; the Misses Melville, daughters of the late Allan Melville; Samuel Shaw, of Boston; W. B. Morewood, George Brewster, Mrs. Griggs, Miss Lathers, Dr. Titus Munson Coan, Arthur Stedman and George Dillaway.

The death of Herman Melville, although following : lingering liness, has come as a surprise to even his few acquaintances in the city, for their opportunities of seeing him have been extremely limited in number. Much has been written, particularly in English Journals, concerning the alleged neglect and disregard of Mr. Melville by contemporary authors in this country. but it is a well-known fact here that his seclusion has been a matter of personal choice. This writer gained an international reputation at an

earlier date than James Russell Lowell, although born in the same year, 1819. His practical abandonmen of literary work some twenty-five years ago, however, has allowed general interest in his books to die out Mr. Melville came of patrician blood on both sides

of his family, his fraternal and maternal grandfath figuring prominently in the Revolution. spectively of Scottish, New-England and Dutch d scent. As in Richard Henry Dana's case, Melville's first literary success was a narrative of his own experience while a common sailor before the mast and in countries; but unlike Dana, he continued work in the ame field, and with credit. In regard to "Typee Dr. Coan was heard to remark at the service yester day that his father, the Rev. Titus Coan, of the Hawaiian Islands, had personally visited the Marmesas group, found the Typee Valley, and verified in every detail the romantic descriptions of the gentle but man-devouring islanders. Dr. Coan further said: Herman Melville was the first man who shared the life of a caunibal community in the South Seaswho had the consummate literary skill to describe itand who got away alive to write his book. Typee will be read when most of the Concord group forgotten.

However this may be, Mr. Melville always has been an interesting figure to New-York literary So far from being forgotten, he was among the very first to be invited to join the Authors' Club at its founding in 1882. His declination of this offer, as well as his general refusal to enter into social life, are said to have been chiefly due to natural disposition, and partly to the The auditor has charged against net earnings for this period the expenses of refunding \$7,000,000 of Cairo and Fulton 7 per cent bonds (which fell due on January 1 of this year) into the new general mortsuse 5 per cent bonds, amounting to \$601,370,37; also a similar charge for extending \$2,573,000 Missouri Pacific 7 ner cent bonds (due Juny 1) to 5 per cent, amounting a large library and a fine assortment of prints, those of large library and a fine assortment of prints, those of laude's paintings being his favorites.

His tall, staiwart figure, until recently, could be seen almost daily tramping through the Fort George listrict or Central Park, his roving inclination leading aim to obtain as much out-door life as possible. His wenings were spent at home with his books, his pictures and his family, and usually with them alone,

While at l'Htslield, Mass., from 1850 to 1862, he became the intimate friend of Hawthorne, who lived for a while near by at Lenox, and they often exchanged visits. It was at this place that most of Melville's writing was done. The place in the New-York Custom House was given up about 1881.

At the beginning of failing health, some three ears ago, Mr. Melville wrote and privately circulated a little story entitled "John Marr." It was dedicated Clark Russell, who was a cordial admirer and correspondent. Last spring, after his final illness set n, he collected and had printed his miscellaneous shorter poems under the title "Timoleon, ctc." volume is dedicated to "My Countryman, Ellhu Both little books are limited to twenty five Vedder." Mr. Melville's fater style became somewhat rugged and mystical. His best-known poem was " Shoridan at Cedar Creek,7 thought by most literary experis to be superior to "Twenty Miles Away," though lacking a popular refrain.

The following poem is from "Timeleon": L'ENVOL The Return of the Sire de Nesle.

A. D. 16—.
My towers at last! These rovings end,
Their thirst is slaked in larger dearth; The yearning infinite receils, For terrible is earth. Kaf thrusts his shouted crags through fog; Araxes swells beyond his span. And knowledge poured by pligrimage Overflows the banks of man. But thou, my stay, thy lasting love, One lonely good, let this but be! Weary to view the wide world's awarm But blest to fold but the

ACCEPTING THE LAST SECTION. The last section of the new aqueduct-section 16,

known as the pipe-line from the true-hundred and thirty fifth-st. gate-house to Central Park reservoirwas yesterday accepted by the Aqueduct Commission from O'Brien & Clark. The final payment of \$50. set 03 was ordered. The contract for grading and levelling the grounds about the One hundred and thirty-fifth-st, gate house was awarded to T. J. Moran for \$7,062.25. The salary of W. E. Gullfoyle, sie nographer and typewriter in the Chief Engineer's office. nographer and typewriter in the Charl Engineer's office, was raised from \$85 to \$100 a month. The Controller give notice that he had issued \$200,000 water stock bonds during August and september, which had been taken by the Commissioners of the Sinking Fund.

TAI BOOKS SOON TO BE OPENED.

The Finance Department has given notice that the tax-books will be opened at the office of Major George W. McLean, the Receiver of Taxes, No. 57 Chambers , on Monday at 8 a. m., when the payment of the axes of 1891 will begin. The total sum to be raised \$33,764,394. Taxpayers who hand in their money October will get a rebate at the rate of 6 per cent er annum from date of payment to December 1 After October 31 no relate is allowed, and after No vember 30 I per cent penalty will be added until January I, when interest will be charged at the rate of 7 per cent from the date of opening the tax-books.

SUPERINIENDENT MURRAY BACK AT WORK.

Police superintendent Murray was examined in his nome, in Madison-ave., yesterday, by Chief Surgeon Cook, who then sent a notice to Police Hendquarters that Mr. Murray was able to resume active duty. The superintendent will probably put on his uniform at the entral office this morning in time to hold a reception when the captains go there to get their monthly pay-

Robert Sewell was appointed receiver of the some-what famous "orange" diamond by Presiding Justice Van Brunt, in the Supreme Court, Chambers, yesterday. He was appointed upon the consent of all parties who claim an interest in the stone. He is required to give a bond for \$10,000, and has power to sell the dia-mond, providing he can find a purchaser who will pay a fair price for it. The stone weighs 116 carats and is valued at \$15,000. It was brought to this country from England in February last to be sold. Pending a dispute which arose as to its ownership, the stone was placed in the custody of the property clerk at Police Headquarters. Two suits are now pending in the Supreme Court over the ownership of the gem. Those who are interested in these suits are Joseph W. Carroll. Madeline Bruce, Thomas B. Bruce and Edward C. M. Bruce.

THE PRESSES SHAKE HIS BUILDING. An echo of the Park Place disaster was heard in the Superior Court yesterday. Kaufman Henschel owns the apartment-house Glenwood, at No. 205 East Onehundred and twenty fourth-st., and next door, in No. 203, "The Harlem Local Reporter" is published. Mr. Henschel says that the vibration of the presses shakes his house to such an extent that the tenants have become ainrued and are moving out. He fears that the building will be shaken apart and come tumbling down if the presses are not moved out of the next building. Mary Antony owns the building where the presses are Henseliel asks for an injunction restraining "The Reorter" Company from using the pre-ses in that building, and to prevent the owner from reating the place for such purposes again. The case will come on for argument in a few days.

WANTS DIVORCE FROM A. C. COUCH.

Judge McAdam, in the Superior Court, yesterday granted an order for the publication of the summon a suit for an absolute divorce brought by Elizabeth Lord Couch against Albert C. Conch. The defendant is otherwise known as "Charles C. Albert" and he gained considerable unenviable notoriety as manager of a walking match at Madison Square Carden about a year ago. The plaintiff was under twenty one year of age when the suit was brought and Caleb W. Durham was appointed her guardian ad litem. The couple were married at Lebanon, Penn., on september 27, 1887, and came to this city in March, 1890. Couch or Albert is said to have gone away from the city in March last to escape arrest.

COURT CALENDARS FOR TO-DAY.

Supreme Court-General Term-Recess.

Sthreme Court-General Term-Recess.

Sthreme Court-General Term-Recess.

Sthreme Court-General Term-Recess.

Supreme Court-Special Fram-Parts 1 and 11-Admined until Monday, October 5.

Supreme Court-General Parts 1, 11, 111 and IV-Advined until Monday, October 5.

Surrogate's Court-No day calendar. No probate calcular.

Superior Court-General Term-Adjourned for the term. Superior Court-Special Term-Before McAdam, J.erior Court-Equity Term-Adjourned until Monday, or Court-Trial Term-Parts I. II and III-Ad-intil Monday, October 5. in Pleas-General Term-Adjourned for the term. on Pleas-Special Term-Before Pryor, J. Motions, in Pleas-Equity Term-Adjourned until Monday,

Common Pleas-Triol Term-Parts I, II and III-Ad-urned until Monday, October 5. City Court-General Term-Adjourned for the term. City Court-Special Term-Hefore Enrich, C. J.— ottons. City Court-Trial Term-Parts I, II, III, and IV.-Ad-urned until Monday, October 5.

NOT TO SAIL TO SANTIAGO.

THE NEW CRUISERS ARE GOOD WARSHIPS, BUT THEY AREN'T STEAMPLOUGHS.

A report was published yesterday that the thirdclass cruiser Yorktown, now at the Navy Yard, had been ordered to go without delay to Santiago, Chili, and that she would start on Saturday. It was the general impression among Navy officers yesterday that the report was probably untrue, but that if it should be con firmed later by absolute orders from the Navy Department at Washington the officers and crew wo once rebel and refuse to go on the vessel. There are few landsmen on board of the vessel, and these few look hopefully forward to becoming full-fledged sailors, and those who are sailors do not care to degenerate into landsmen. The officers and sailors of the Navy fully understand how serious a matter it is to refuse to obey orders from superiors, but they will suffer lunging at the yardarm rather than "proceed with the Yorktown without delay to Santiago. The fact is that Santlago is about sixty miles inland

from Valparaiso, and it is not to be supposed that Secretary Truey wants the Yorktown to share the same fate that the United States gunboat Wateroe suffered when she was carried only a mile inland at Arica, Peru, by a tidal wave in 1808. Again, no orders have Peru, by a tidal wave in 1868. Again, no orders have been received contrary to those given two weeks ago, when the Baltimore was detached from the Squadron of Evolution and ordered to go to the Pacific Squadron for duty as soon as she could be got ready. She will probably be ready in a few days. The writer of the article referred to probably listened to a "galley yarn"—one dug out from the "scowse" bucket.

BUSINESS FAILURES FOR NINE MON

The business failures of the United States, as reported by R. G. Dun & Co., the Mercantile Agency, for the quarter ending September 30, are in number 2,754, as against 2,106 failures for the same quarter of 1890. The liabilities for the 1891 quarter amount to over 44,000,000, as compared with nearly 500,000 in 1890, showing an increase for 1891 of 556 failures and nearly \$0,000,000 in liabilities for the same quarter. In the nine months of the year 1891 just closed the failures in the United States number 8,828 with liabilities of \$136,000,000, as compared with 7,581 failures and \$100,000,000 of Habilities for the same three quarters of 1890. The following shows the number of failures in the United States and Canada for the quarter ending September 30, 1891, compared with the same quarter in 1890, together with the amount of liabilities. The figures for the nine months of each year are also given:

of each year are also given:

| Nime mos. in 1891. Nine mos. in 1890.
| States and Terri. No. of Amount of No. of Amount of tories. | Fallures. Liabilities. Fallures. Liabilities. Fastern States. | S72 241,066,041 | 803 248,541 2.31 (iddle States. | 2,198 47,311,090 2,000 36,144,986 (southern States. | 2,012 29,952,441 1,322 11,894,884 (Western States. | 2,693 38,991,419 2,564 29,637,219 Pacific States and | Territorics. | 1,050 6,406,900 832 5,193,500 ... 8,818 \$136,718,761 7,581 \$100,771,820

REPORTS OF ILL-TREATMENT DENIED.

Charles Brooks and J. B. Brooks, of Elmira, this State, arrived here on the steamship Bothnia, of the Canard Line, on Monday. They were passengers on the Netherlands American steamship Dubbeldam, which left Amsterdam on August 26 for this port and encountered a hurricane off the Scilly Islands, which forced her to put into Plymouth. A statement from them was sent out yesterday, in which they say that the waves carried away the steam+teering gear and the hand-steering gear, leaving the vessel rolling helplessly in the trough of the sea. Finally she got into Plymouth. They say that the passengers were to shift for themselves after the ship arrived at Plymouth and were not well treated.

At the office of the Netherlands-American Line in this city yesterday it was said that the passengers were put up at the best hotels in Plymouth at the expense put up at the best fastes in Frymouth at the expense of the company. Frymouth newspapers were shown, which highly praised the conduct of Captain Potzer, and contained a copy of a vote of thanks given him by the passengers on the Dubbeddam. The Hebrev residents of Plymouth gave him a silver cup for his care of the Hebrew immigrants on board, and the steerage passengers presented a silver matchbox to him.

PICNIC OF THE J. F. AHEARN ASSOCIATION. The eleventh arnual outing and dinner of the John F. Ahearn Association of the IVth District was held at Donnelly's Boulevard Hotel, Col lege Point, L. I., yesterday. The association and its friends, about 1,500 in number, left headquarters, No 286 East Broadway, at 10 o'clock in the morning, and narched on boart the st amer John Lenox, which moored at Convergencel., to the music of Boswell's Band and McCarty's Drum and Fife Corps. After dinner there was an exciting baseball match between the batchelors and benedicts of the association, followed by 100-yard and quarter-mile runs, shoe, potato, hat men's and pig mees. The association had a brilliant torchlight perade about the district upon its return from the excursion.

CARL WILL GET HIS LINA AND NOT BY PROXY. Lina Dahbert, the German immigrant girl whom

Carl Van Hoff in Milwaukee wanted to marry by proxy here, has been released from the Barge Office and sent out to meet her Carl. Yesterday afternoon an elderly man, said to be a wealthy citizen of Brooklyn, went to the Barge Office, and upon condition that his name would not be published in the newspapers gave bonds that the girl would not become a public charge, furnished her with money and sent her out to Milwantee. "If my name should get into the papers." sold he, "I should never hear the last of it from my wentral office this morning in time to host a receptor would be witty acquaintances. I have read the girls when the capitains go there to get their monthly payschecks. His ability to direct the force is not doubted, as his brain is as active as ever, and the only sign of marriage at the Earre Office.

GRAPES NOT PROPERLY THEATE

as follows :

EXPERTS SAY THE DIRECTIONS FOR AND THE BORDEAUX MIXTURE HAVE

BEEN SLIGHTED. Ernest J. Lederle, assistant chemist is the Department, went to Ulster County, N. Y. with Dr. Fairchild, the assistant palacings Department of Agriculture in Washington, We grapes in vineyards where the Bordeaux They inspected several Marlboro and at Milton, and returned to in the evening with samples of grapes on the of which the green residue of the copper solution was noticeable. Dr. Fairchild len vestorday morning to inspect some or The chemist made a verbal report Jersey. dent Wilson, of the Health Board, who top make his report in writing. The report was

It appears that a disease of the seriously affected a large section of and to remedy the effects of this have been sprayed. Experiments when grapes are treated at rections issued for the use is not perceptil.

In a majority
directions were is very casily recognized it on the grapes and sten

FRANCO-RUSSIAN ALLIANCE DEL

A DIPLOMATIC CONVENTION SAID TO b. CONCLUDED AT PARIS-ITS CHIEF

"Le Courrier des Etats-Unis" publishe correspondence, information of the legher question is engaging the attention of the sa It has been made evident of late that the to one against another, with the united protest by them and the Celestial Empire. Fra eigners residing in the Celestial Empire. Fra the German Minister. was no united protest by them against the opp favorite of the Court of Peking. It appear has been supplanted in that position by representative of Great Britain. At any sa land has manoeuvred to secure preponden ence, by granting to China the privilege of a consuls to England and the Eritish possessing is a great concession to China, which was a suls in certain Chinese cities, but was debar conferring a reciprocal privilege.

The policy of sowing discord among the Powers does not seem to have entirely g since the naval vessels of Europe and Amen just now acting in concert for the prote foreign residents in China. But this accord a only so long as danger is lurking. At any m pocially advantageous position by Germany and England in the Middle Emple to have awakened France and Russia, leading last spring to conclude the entente mentioned Courrier des Etats-Unis," which paper speaks authoritatively in regard to interest to France.

The Franco-Russian entente is said to h concluded during the solourn at Paris of M. the Russian Minister in China. The Chinese and pirates, composed mainly of discharged are constantly making raids in Tonking and which belong to France and Russia a The two Powers are said to have agreed necessity of combined action, the plan being address an identical note to the Chinese G and then to take military measures if the latte make no answer, or should give as its powerlessness to restrain the and pirates. The plan further contemplatbombardment of several Chinese scaports, position of a peace treaty upon China, compto withdraw her troops to a distance of se miles from the Russian and French frontiers; the frontiers of Tonking and Siberia, and to pay indemnity. Such are the articles of the which it is rumored has been signed by M. B. French Minister of Foreign Affairs, and the diplomat, M. Cassini. Moreover, it is said the would recognize any treaty by which Cores we cept a Russian protectorate.

TRANSATLANTIC TRAVELLERS.

Among the passengers sailing for Europe day on the Inman Line steamer City of Newere Juan Araneta, Andrew Brown, J. C. Robert Bain, Dr. Peter Burgess, Dr. Edwin sser, Dr. D. I. Cunningham, the Re-Dudley, Colonel C. W. Foster, the Rev. Mrs. P. R. L. Hardenbergh, the Rev. Dr. T. C H. H. Nagh, Professor A. Parlow, John Captain T. L. Rogers, Dr. T. Eugene Eigh stemson, Frederick Townsend, Dr. J. lastr

Claudis Reinco and Professor Gregoria Stepass The White Star steamer Britannic took out her passengers C. C. Owen, J. W. Allen, T. F. Dr. H. M. Brown, W. W. E. Burgess, W. N. C. Dr. Campbell Clark, Lord Elphinstone, Howard son, J. Vensey Fitzgerald, William Fletcher, B Haynes, Noel Lee, Howard Marsh, Dr. Lockist son, William Wallace Seymour, Frank Gutire Mrs. C. A. K. Townley, W. Redford, G. S. Ektrist W. Hhyte.

On board the Red Star steamer Westerial Antwerp were the Rev. L. M. Blodgett, Dr Emmons Briggs, Samuel S. Dearborn, Goddard, C. Hanford Henderson, Dr. T. B. Sydney R. Marvin, O. D'Anny, Dr. Charle the Rev. J. M. Gennit, Dr. Jacob Schmin Ryan, D. H. Wilson and Frank W. Peirson

THE CREW OF THE PANNY TOCKER

The steamship Advance, of the United S. Brazil Mail Steamship Company, which yesterday from Brazilian ports, brought and twelve of the crew of the American all Tucker, whose loss by fire in the harbor of be already been reported. The Fanny Tucker S this port on June 5 for Tacoma with a cargos iron and general merchandise. veather, and when off the Brazil coat sie w so badly that her commander, Capmin Fro Bahia. He discharged five tons of cargo win a damaged condition. This was in the safe August. The ship not being in a cooding sea, she lay in Bahha unui August burned to the water's edge. The o not known but was probably accid ship of 1,527 tons, built in 1e75, an Parker & Co., of Wiscasset, Me.

THE NEW YORK AND NEW JERSEY MEN

A meeting of the sub-committee of the oa Consolidation of the New-York and Net Bridge Company was held yesteriay afternoon purpose of going over and revising the on papers and prepare them for presentation at an of the full committee to day. The members at the work was making rapid progress, and the st construction would soon begin.

At the meeting were Judge George W. Greek Co. H. Swan and H. D. Archer for the New York all James T. Sparkman, W. F. Forster and B. Phalos for the New Jersey side.

ADDITIONAL IMPOSTS OF GOLD. Advices were received yesterday by Hallande of an additional shipment of \$200,000 gail from Europe. Shipments of \$500,000 is b Seligman & Co., and \$500,000 to Brown Buth

Co. were also reported. The amount of self all the way to this port is raised by these new co ments to about \$7,200,000. NO DANGER OF A WATER PANISE Chief Engineer Birdsall said vesterday that a examination of the sources of water supply him that the citizens of New-York were in is

ANOTHER UNIQUE FEATURE OF THE PEXA VANIA LIMITED.

maids, financial reportant When ladb